

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

H. LUNDBECK A/S, TAKEDA )  
PHARMACEUTICAL COMPANY LTD., )  
TAKEDA PHARMACEUTICALS U.S.A., )  
INC., TAKEDA PHARMACEUTICALS )  
INTERNATIONAL AG and TAKEDA )  
PHARMACEUTICALS AMERICA, INC., )  
 )  
Plaintiffs, ) C.A. No. 18-88 (LPS) (JLH)  
v. ) CONSOLIDATED  
 )  
APOTEX INC., et al., ) REDACTED - PUBLIC VERSION  
 )  
Defendants. )

**JOINT MOTION FOR TELECONFERENCE  
TO RESOLVE DISCOVERY DISPUTE**

Pursuant to the procedures in Paragraph 8(m) of the Scheduling Order (D.I. 31), Plaintiffs respectfully move this Court to schedule a teleconference to address an outstanding dispute regarding the following discovery matter:

- Plaintiffs request a Protective Order pursuant to Fed. R. Civ. P. 26(c) and D. Del. LR 30.2 to prevent defendants Sandoz Inc. and Lek Pharmaceuticals d.d. (collectively, “Sandoz”), from taking or participating in the depositions of Dr. Fabia Gozzo and Dr. Allan Myerson<sup>1</sup> [REDACTED]
- Sandoz disputes whether [REDACTED]
- Whether Del. L. R. 30.6 precludes Plaintiffs from consulting or conferring with Dr. Gozzo about the substance of her testimony between September 3, 2020, when she will be deposed by Defendants MSN and Torrent, and when Sandoz completes its own questioning of Dr. Gozzo at some future date.

---

<sup>1</sup> Dr. Gozzo is presently scheduled to be deposed later this week, on September 3 and 4, by Defendants MSN, Torrent, and Sandoz. Plaintiffs have advised Sandoz that they will not permit Sandoz to question Dr. Gozzo on September 3 or 4, but they intend for the deposition to proceed as to MSN and Torrent. Dr. Myerson’s deposition was originally scheduled for August 24-28, but was canceled and has not yet been rescheduled.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel, participated in a verbal meet-and-confer by telephone on the following date(s): August 31, 2020

For Plaintiffs:

Delaware Counsel: Megan Dellinger of Morris, Nichols, Arsh & Tunnell LLP

Lead Counsel: Brianne Bharkha and Thomas Sullivan of Covington & Burling LLP

For Defendants Sandoz Inc. and Lek Pharmaceuticals d.d.:

Delaware Counsel: Dominick Gattuso of Heyman, Enerio, Gattuso & Hirzel LLP

Lead Counsel: Laura Lydigsen and Jason Schigelone of Brinks, Gilson & Lione

The parties are available for a teleconference on the following dates:

- Friday, September 18;
- Monday, September 21; or
- Friday, September 25.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Megan E. Dellinger*

OF COUNSEL:

George F. Pappas  
Einar Stole  
Christopher N. Sipes  
Brianne Bharkhda  
Priscilla G. Dodson  
Alaina Whitt  
Han Park  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001-4956  
(202) 662-6000

Jack B. Blumenfeld (#1014)  
Megan E. Dellinger (#5739)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
mdellinger@mnat.com

*Attorneys for Plaintiffs*

Kurt G. Calia  
Yiye Fu  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10th Floor  
Palo Alto, CA 94306-2112  
(650) 632-4700

Megan L. Hare  
COVINGTON & BURLING LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
(212) 841-1000

HEYMAN ENERIO GATTUSO & HIRZEL LLP

*/s/ Dominick T. Gattuso*

OF COUNSEL:

Laura A. Lydigsen  
BRINKS GILSON & LIONE  
455 North Cityfront Plaza Drive, Suite 3600  
Chicago, IL 60611-5599  
(312) 321-4200

---

Dominick T. Gattuso (#3630)  
300 Delaware Avenue, Suite 200  
Wilmington, DE 19801  
(302) 472-7311  
dgattuso@hegh.law

*Attorneys for Defendants Sandoz Inc. and  
Lek Pharmaceuticals d.d.*